



**KWAZULU-NATAL PROVINCE**  
**AGRICULTURE AND RURAL DEVELOPMENT**  
 REPUBLIC OF SOUTH AFRICA

**INVITATION OF QUOTATION ABOVE R30 000 00**

THIS FORM SHOULD BE COMPLETED IN DETAIL AND SHOULD BE ACCOMPANIED BY A **VALID TAX COMPLIANCE STATUS PIN AND VALID BBEE VERIFICATION CERTIFICATE/AFFIDAVIT**

QUOTATION NUMBER: <b>R/S/2122/1168</b>	VALIDITY PERIOD OF QUOTATION..... Days (To be completed by the Supplier)
CLOSING DATE: <b>28/10/2021</b>	CLOSING TIME:11H00
DESCRIPTION(SPECIFICATION/S) OF ITEMS/ SERVICE REQUIRED: <b>Tractor Mounted Pasture Flail Mower (Cedara RS)</b>  <b>See specification attached</b>	COMPANY NAME:  TEL NO: FAX NO:  CONTACT PERSON:  <b>CSD REG NUMBER</b> <b>MAAA.....</b>
DOES OFFER COMPLY WITH SPECIFICATION?	YES/NO (DELETE WHICH EVER IS NOT APPLICABLE)
DOES ARTICLE COMPLY WITH SABS SPECIFICATION? HAS IT BEEN INSPECTED BY SABS?	YES/NO YES/NO (DELETE WHICH EVER IS NOT APPLICABLE)
DELIVERY PERIOD AFTER INITIAL ORDER?	
IS THE PRICE FIRM	
WHERE ARE THE STOCK HELD? (PHYSICAL ADDRESS , PLEASE)	
QUOTATION PRICE INCLUDING VAT (VAT TO BE ADDED BY REGISTERED VAT VENDORS ONLY)	TOTAL: R .....
COMPANY OFFICIAL STAMP (COMPULSORY)	..... SIGNATURE OF BIDDER  ..... DATE
NUMBER OF PAGES FAXED BACK TO THE DEPARTMENT BY THE SUPPLIER	.....( Supplier to complete)

**NB: E-MAIL QUOTATION FOR THE ATTENTION TO: SIBONGISENI SITHEBE @ 033 343 8306**  
**E-MAIL ADDRESS : Sibongiseni.Sithebe@kzndard.gov.za**

**NB:**  
 THE ATTACHED SBD FORMS MUST BE COMPLETED IN FULL.  
 THIS REQUEST FOR QUOTATION (RFQ) MUST BE COMPLETED AND RETURNED WITH ALL YOUR QUOTATION DOCUMENTS.

Company Name : :  
 Address : :  
 Contact Person : :  
 Contact Number: :  
 Fax Number : :  
 E-Mail Address : :

LINE NO.	DESCRIPTION OR SPECIFICATION OF ITEM  (Please be very specific and clear)	REQUIRED QUANTITY	UNIT PRICE EXCL. VAT		TOTAL PRICE	
			R	C	R	C
	<b>SUPPLY, DELIVER, OFF-LOAD AND DEMONSTRATE THE FOLLOWING AS PER ATTACHED DETAILED SPECIFICATIONS.</b>  Ensure to complete the requested information for each line item as per detailed Specifications.  Please supply company stamp where required					
1.	Tractor Mounted Pasture Flail Mower	1				
* LABOUR (IF APPLICABLE)						
*DELIVERY (IF APPLICABLE)						
<b>TOTAL</b>						
<b>*ONLY APPLICABLE TO VAT REGISTERED SUPPLIERS 15% VAT</b>						
<b>TOTAL PRICE</b>						

\*VAT Registration No. (Supplier) \_\_\_\_\_  
 When Required (Requester) : 1 Oct 2021  
 Where Required (Requester): Cedara Farm Services  
 Contact details of requester: Y. Ogilvie  
 TEL : 033 3438252

**COMPANY STAMP** PRICES ARE VALID FOR 30 60 90 **DAYS**

Mark one Box (X)



SIGNATURE .....  
 DATE .....



**SPECIFICATIONS FOR  
 A TRACTOR MOUNTED PASTURE FLAIL MOWER  
 (CEDARA)**

	<b>REQUIREMENTS</b>	<b>DOES YOUR OFFER MEET SPEC'S? YES/NO</b>	<b>GIVE ACCURATE DETAILS OF YOUR OFFER AND SPECIFICATIONS</b>
	<p align="center">Supply, deliver, demonstrate and off-load the following as per specifications below:</p> <p align="center"><b>A TRACTOR MOUNTED PASTURE FLAIL MOWER</b></p>	<p align="center">Number required: 1</p>	
	<p><b>As the Agent, please state the make and model of specialized grounds mower on offer.</b></p>		<p>Make: .....</p> <p>Model:.....</p>
	<p align="center"><b>Brief description :</b></p> <p><b>A tractor mounted flail mower suitable for mowing and topping pastures to a uniform height.</b></p> <p>Machine should also be suitable for shredding and mulching fibrous crop residues such as maize stalks.</p>		

<b>1</b>	<b>Cutting system</b>		
1.1	<p>Flail rotor to rotate around horizontal axis, with flails cutting in a forward direction at the cutting edge.</p> <p>Cut grass material is pushed by the rotor action in a circular motion forward and over the rotor to discharge at the rear of the cutter.</p>		
1.2	Discharged material to be spread evenly behind the mower with no windrow effect.		
1.3	Blades need to be able to swing forward and backward		
1.4	<p>Rotor speed not to be less than 1910 rpm at 540 PTO input rpm.</p> <p>Blade tip speed of no less than 46 m/sec at 540input rpm</p>		
1.5	<p>Cutting chamber to have an a discharge flap that will allow for</p> <ul style="list-style-type: none"> <li>• Rapid and even discharge material in the open position. Material will be of longer cut length. This will have a lower power demand</li> <li>• More finely chopped material when in the closed position. This will have a higher power demand.</li> </ul>		
1.6	Rotor diameter in motion to be between 460mm and 470mm		
<b>2</b>	<b>Blades</b>		
2.1	<p>Two sets of blades to be supplied:</p> <ul style="list-style-type: none"> <li>• Hammer blades supplied for heavy duty mulching</li> </ul>		

	<ul style="list-style-type: none"> <li>• 45° offset blades to be supplied for pasture topping. Blades need to be reversible.</li> </ul>		
2.2	Blades to be fastened onto the rotor with a single bolt with Nyloc nut and bushes Blades and hammers must be able to swing.		
2.3	Two full sets of blades and hammers to be supplied including bolts, nuts and bushes for both options.		
<b>3</b>	<b>Cutting parameters</b>		
3.1	Width of cut: Between 2000mm and 2200mm		
3.2	Cutting height Mower to be capable of a range of cutting heights between 30mm and 110mm		
3.3	Cutting height control; Cutting height to be controlled by a height adjustable roller fitted at the rear of the mower. Roller to be fitted with a scraper to avoid material build up on the roller.		
<b>4</b>	<b>Mower offset</b>		
4.1	The implement should include an offset facility.		
4.2	<b>Offset principle:</b> This allows the left hand wheels of the tractor to run on mowed grass to avoid trampling and allows the mower to work up to the field border or fence.		

4.3	The mower cutting mechanism must be capable of the following <ul style="list-style-type: none"> <li>• Operating directly behind the tractor</li> <li>• Being able to operate in and offset 500mm to the right (as seen looking from the rear of the machine)</li> </ul>		
4.4	Offset adjustment to be controlled hydraulically from the tractor seat.		
<b>5</b>	<b>Tractor hitching</b>		
5.1	Three point linkage equipped with Cat 2 linkage		
5.2	Standard duty P.T.O. shaft from tractor to gearbox , turning at 540 rpm		
<b>6</b>	<b>Gear box and power transmission</b>		
6.1	<b>Power transfer principle:</b> Gear box to divert transmission by way of a bevel gear system and shaft drive at the side of the mower. Power is the transferred via belt drive from shaft to the flail rotor. Gearbox to include a ratchet type overrun facility.		
6.2	Belt drive, to be fitted with 4 B-section V belts to ensure efficient power transfer.		
6.3	Beit tension to be adjustable.		
<b>7</b>	<b>Drive line protection</b>		
7.1	Belt drive protection, provided by V belt drive system.		
<b>8</b>	<b>Power requirements</b>		

8.1	Tractors with P.T.O. rating of between 35 kw and 60 kw		
<b>9</b>	<b>Body work</b>		
9.1	Cutting chamber body of welded steel construction with a plate thickness of a minimum of 5mm  Preferable concealed structural bracing to prevent debris collection and corrosion.		
9.2	Finishing <ul style="list-style-type: none"> <li>• Multistage corrosion prevention treatment prior to painting.</li> <li>• Full immersion etched primer application.</li> <li>• 3 layer enamel paint application.</li> </ul>		
<b>10</b>	<b>Safety</b>		
10.1	The driver needs protection from flying debris and objects.  One way segmented flaps to be fitted to the front of the cutting mechanism to allow uncut material into the cutting chamber and to prevent flying objects from being thrown forward.		
10.2	All exposed turning shafts and belts need to be fitted with appropriate protection.		
<b>11</b>	<b>Proudly South African</b>		
11.1	Preference will be given to the above product if it is manufactured in South Africa, ideally in KZN.		
11.2	<b>Manufacturer to be a member of SAAMA (South African Agricultural Machinery Association)</b>		

<b>12</b>	<b>Spare blades.</b>		
12.1	Please supply on full set of EXTRA hammer blades and one full set of offset blades as spare parts in addition to the requirement in 2.1 above. A full set of blades must include relevant nuts, bolts and bushes.		
<b>13</b>	<b>Service</b>		
13.1	Franchised Service and parts dealer to be within: 200 km of Cedara Research Station.		
13.2	Please state percentage spares carried for the above general purpose tractor mounted grass slasher on demand at your Spare Parts counter		
<b>14</b>	<b>Warrantee</b>		
14.1	Comprehensive warrantee for at least 12 months from date of invoice.		<p><b>AGENT WHO AGREED TO THE 12 MONTHS WARRANTEE</b></p> <p><b>TO PLACE THEIR BUSINESS STAMP BELOW:</b></p> <p><i>Stamp here</i></p>
14.2	Please indicate who underwrites the warrantee referred to above		



<b>15</b>	<b>Delivery and training</b>		
15.1	Delivery period to be within 30 days after the receipt of an official order.		
15.2	Operator training to be provided on day of delivery.		
15.3	Operators manual needs to be handed over on the day of delivery.		
15.3	Supply and deliver the tractor mounted pasture flail mower,  <b>To Cedara Research Station</b> Weekdays between 08:00 and 14:00.,  Please make prior arrangements on 033 355 8252.		
16.	A franchise pamphlet on the tractor mounted pasture flail mower, to substantiate your specs, to be attached to your offer.		

\*VAT Registration No. (Supplier) -----

When Required (Requester) : October 2021  
 Where Required (Requester): See Delivery details  
 Contact details of requester: **Cedara Farm Services**  
 TEL : 033 343 8252

COMPANY STAMP

PRICES ARE VALID FOR  30  60  90

Mark one Box (X) Days

SIGNATURE  
 .....

DATE  
 .....

**KINDLY COMPLETE PLEASE!!!**

SBD 4

**DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

2.1 Full Name of bidder or his or her representative: .....

2.2 Identity Number: .....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

<sup>1</sup>"State" means -

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

<sup>2</sup>"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

**KINDLY COMPLETE PLEASE!!!**

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....  
Name of state institution at which you or the person connected to the bidder is employed : .....  
Position occupied in the state institution: .....

Any other particulars:  
.....  
.....  
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....  
.....  
.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....  
.....  
.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

**KINDLY COMPLETE PLEASE!!!**

2.9.1 If so, furnish particulars.

.....  
.....  
.....

2.10 Are you, or any person connected with the bidder, **YES/NO**  
aware of any relationship (family, friend, other) between  
any other bidder and any person employed by the state  
who may be involved with the evaluation and or adjudication  
of this bid?

2.10.1 If so, furnish particulars.

.....  
.....  
.....

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO**  
of the company have any interest in any other related companies  
whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

.....  
.....  
.....

**3 Full details of directors / trustees / members / shareholders.**

Full Name	Identity Number	Personal Reference Number	Tax Number	State Number / Persal Number	Employee

**KINDLY COMPLETE PLEASE!!!**

**4 DECLARATION**

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

May 2011

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL  
PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the **.....** preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	<b>POINTS</b>
<b>PRICE</b>	
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

## 2. DEFINITIONS

- (a) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **"B-BBEE status level of contributor"** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **"EME"** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **"functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **"prices"** includes all applicable taxes less all unconditional discounts;
- (h) **"proof of B-BBEE status level of contributor"** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **"QSE"** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## 3. POINTS AWARDED FOR PRICE

### 3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

**80/20**                                  **or**                                  **90/10**

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

## 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

## 5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

## 6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)  
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

## 7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor.....
- The B-BBEE status-level of the sub-contractor.....
- Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		



Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
  - One person business/sole propriety
  - Close corporation
  - Company
  - (Pty) Limited
- [TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....  
 .....  
 .....  
 .....  
 .....

**8.6 COMPANY CLASSIFICATION**

- Manufacturer
  - Supplier
  - Professional service provider
  - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a

fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

<p><b>WITNESSES</b></p> <p>1. ....</p> <p>2. ....</p>
---

<p>.....</p> <p><b>SIGNATURE(S) OF BIDDERS(S)</b></p> <p><b>DATE:</b> .....</p> <p><b>ADDRESS</b> .....</p> <p>.....</p> <p>.....</p>
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**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

<sup>1</sup> includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
(Bid Number and Description)

In response to the invitation for the bid made by:

\_\_\_\_\_  
(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of; \_\_\_\_\_ that:  
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

- (a) has been requested to submit a bid in response to this bid invitation;
- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

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